

## United States District Court

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA  
V.

## CRIMINAL COMPLAINT

Jose Carlos Cervin  
A202 078 702

YOB:

PRINCIPAL  
1979

The United Mexican States

Case Number:

M-14-1539 -M

United States District Court  
Southern District of Texas  
FILED

AUG 09 2014

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 7, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Abismael Castillo-Menendez, citizen and national of El Salvador and Cristian Orestes Diaz-Urquia citizen and national of Honduras and eleven (11) other undocumented aliens for a total of thirteen (13), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near McAllen, Texas to the point of arrest near McAllen, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 7, 2014 at approximately 6:00 p.m., Fraud, Intelligence, Smuggling and Terrorism (FIST) Agent H. Almaguer observed approximately 13 possible undocumented aliens (UDA's) hiding in the brush south of Military Highway near a building located in the Sharyland Business Park. At approximately 6:30 p.m., he observed a white Chevrolet Cobalt pick up the possible UDA's. This observation was broadcasted via service radio to a CBP aircraft. As the load vehicle departed the area, air support followed the vehicle.

Air support observed the load vehicle unloaded all its passengers at the corner of 35<sup>th</sup> and Sarah Street in McAllen. The suspected UDA's then brushed up in an empty lot with overgrown grass. The aircraft continued to follow the vehicle until Agents R. Kasper and K. Williams responded and initiated a vehicle stop approximately a quarter of a mile south on 23rd Street from Expressway 83 in McAllen, Texas. The driver, Jose Carlos CERVIN, was determined to be an undocumented aliens and placed under arrest.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Frediberto Hernandez Senior Patrol Agent  
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

August 9, 2014  
Dateat McAllen, Texas  
City and StateDorina Ramos, U. S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-14- 1539 -M**

**RE: Jose Carlos Cervin**

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**CONTINUATION:**

At the same time, F.I.S.T. Agents located the area where the suspected UDA's were dropped off and apprehended a total of 13 undocumented aliens all illegally present in the United States. All subjects were transported to the McAllen Border Patrol Station.

**PRINCIPAL STATEMENT:**

Jose Carlos CERVIN was advised of his Miranda Rights by Border Patrol Agents. CERVIN understood his rights and provided a sworn statement without the presence of an attorney.

CERVIN stated that he understood he was being arrested for transporting undocumented aliens. CERVIN stated that he was paying off his smuggling fees into the United States. CERVIN stated that "Cotorro" offered him a job and was going to be paid \$30 for every individual he transported. He was instructed to pick up the load vehicle at a location on Sarah Street. He was then instructed to pick up the subjects at a location near the Sharyland Business District, and then drop them off at a brushy area near Sarah and 35th Street. CERVIN stated that was pulled over after dropping off the aliens.

**MATERIAL WITNESSES STATEMENTS:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Abismael CASTILLO-Menendez stated that he made arrangements in El Salvador and was going to pay a total of \$7500 to be smuggled into the United States. CASTILLO claims to have already paid a total of \$3000. Once they were smuggled across the river, they waited at an unknown location for several hours. They later walked to warehouses and waited for a vehicle to pick them up. CASTILLO stated once the vehicle arrived he entered it and sat in the passenger seat next to the driver. CASTILLO identified Jose Carlos CERVIN in a photo lineup as the person that transported them to the brushy area where he was later apprehended.

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2-Cristian Orestes DIAZ-Urquia stated that his brother made arrangements for him to be smuggled into the United States. DIAZ stated that he has paid a total of \$2500 and that he was going to pay the remaining \$4000 upon arrival to Houston, TX. DIAZ stated that once they crossed the river they walked for approximately two hours. He was told that they would be going to McAllen. They waited in a grass field for about three to four hours before they approached an area with tractor trailers. Once they arrived at the area with the tractor trailers they waited for a white car to show up, and he and the others jumped in. DIAZ stated that he was in the rear seat of the vehicle. DIAZ identified Jose Carlos CERVIN in a photo lineup as the person that transported them to the brushy area where they were apprehended.